

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK, et al.,

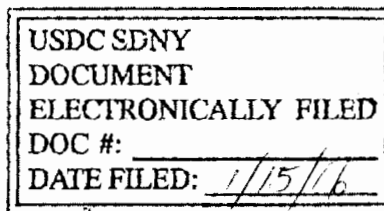
Plaintiffs,

-against-

FEDEX GROUND PACKAGE SYSTEM INC.,
et al.,

Defendants.
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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE



ORDER

13-CV-9173 (ER) (KNF)

During a conference, held via telephone on November 17, 2015, the parties were directed to provide letter briefs addressing whether plaintiff the city of New York (the "City") was required to disclose information regarding an agreement entered into between the City and defendant FedEx Ground Package System, Inc. ("FedEx") on March 14, 2013 ("Agreement"). The Agreement resolved an investigation by the City of FedEx concerning the City's belief that FedEx made deliveries of untaxed cigarettes on behalf of an entity that is not a party to this action. FedEx contends that it is entitled to obtain information on this issue, through discovery, and that the City has refused, improperly, to provide the sought-after information. In response, the City contends that discovery on this issue is unwarranted.

The Court has considered the arguments urged upon it during the conference and in the parties' letter briefs, Docket Entry Nos. 146 and 148, and has determined that FedEx has failed to establish that it is entitled to the discovery it seeks. Therefore,

IT IS HEREBY ORDERED that FedEx's request that the City be required to disclose information relating to the Agreement is denied.

Dated: New York, New York
January 15, 2016

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE